



Entered on Docket
May 13, 2008

A handwritten signature in black ink, appearing to read "R. Linda Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:
USA Commercial Mortgage Company,
USA Capital Realty Advisors, LLC,
USA Capital Diversified Trust Deed Fund, LLC,
USA Capital First Trust Deed Fund, LLC,¹
USA Securities, LLC,²

Debtors.

Affects:

- All Debtors
- USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR¹
Case No. BK-S-06-10729-LBR²

CHAPTER 11

Jointly Administered Under Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING SECOND
OMNIBUS OBJECTION OF USACM
TRUST TO PROOFS OF CLAIM
BASED, IN WHOLE OR IN PART,
UPON INVESTMENT IN THE
SLADE DEVELOPMENT, INC.
LOAN**

Hearing Date: May 8, 2008

Hearing Time: 10:30 a.m.

¹ This bankruptcy case was closed on October 12, 2007.

² This bankruptcy case was closed on December 26, 2007.

1 Pending before the Court is the USACM Liquidating Trust's Second Omnibus
2 Objection of USACM Trust to Proofs of Claim Based, in Whole or in Part, Upon
3 Investment in the Slade Development, Inc. Loan (the "Objection") [DE 6118]. Adequate
4 notice of the Objection was given. The Court heard the Objection on May 8, 2008. No
5 responses were filed to the Objection and no opposition was raised at the hearing. Good
6 cause appearing,

7 IT IS ORDERED:

8 • Sustaining the Objection;

9 • Disallowing the Proofs of Claim listed on Exhibit A attached to the extent they
10 are based upon an investment in the Slade Development, Inc. Loan. The Proofs
11 of Claim listed in Exhibit A are not affected by this order to the extent they are
12 based upon an investment in a loan(s) other than the Slade Development, Inc.
13 Loan; and

14 • Reserving the right of any party in interest, including the USACM Trust, to
15 further object to the Proofs of Claim listed on Exhibit A attached.

16 #####
17 PREPARED AND SUBMITTED:
18

19 **LEWIS AND ROCA LLP**
20

21 By: /s/ RC (#0006593)
22 Susan M. Freeman
23 Rob Charles
24 John Hinderaker
25 *Attorneys for USACM Liquidating Trust*
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1 CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

2 In accordance with Local Rule 9021, the undersigned certifies:

3 The Court waived the requirements of approval under LR 9021.

4 No parties appeared or filed written objections, and there is no trustee appointed
5 in the case.

6 No opposition was filed to the motion and no other party or counsel appeared at
7 the hearing.

8 I have delivered a copy of this proposed order to all attorneys and unrepresented
9 parties who have appeared at the hearing, and any trustee appointed in the case,
 and each has approved or disapproved the order, or failed to respond, as
 indicated below:

10

11 **LEWIS AND ROCA LLP**

12

13 By: /s/ RC (#0006593)

14 Susan M. Freeman

15 Rob Charles

16 John Hinderaker

17 *Attorneys for USACM Liquidating Trust*

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**SLADE DEVELOPMENT LOAN
SECOND OMNIBUS OBJECTION**

EXHIBIT A
Multiple Loan Claims

Claim	Name	Address	Total Claim Amount	Approximate Amount Subject to Objection Because it Relates to an Investment In the Slade Development Loan
10725-02069	John H. Duberg	4455 Vista Coronado Drive Chula Vista, CA 91910-3234	\$75,121.56	\$50,483.32
10725-02201	John H. Duberg	4455 Vista Coronado Drive Chula Vista, CA 91910-3234	\$75,121.56	\$50,483.32
10725-02067	Falkenborg Family LLC	727 3rd Avenue Chula Vista, CA 91910-5803	\$206,262.89	\$101,723.86
10725-02203	Falkenborg Family LLC	727 3rd Avenue Chula Vista, CA 91910-5803	\$206,262.89	\$101,723.86
10725-01549	Loughlin Family Trust	c/o Richard J. and Roberta L. Loughlin Trustees 50 Greenbriar Circle Napa, CA 94558-1587	\$27,000.00	unspecified
10725-01035	Loughlin Family Trust	c/o Richard J. and Roberta L. Loughlin Trustees 50 Greenbriar Circle 94558-1587	\$1,116,400.00	\$300,000.00
10725-01967	Markwell Family Trust	Terry and Christiane Markwell Trustees 12765 Silver Wolf Road Reno, NV 89511	\$355,247.26	\$50,000.00
10725-00089	Augustine Tuffanelli Family Trust	Augustine Tuffanelli Trustee c/o Thomas R. Brooksbank 689 Sierra Rose Drive, Suite A2 Reno, NV 89511	\$250,000.00	\$50,000.00
10725-00795	Karen Petersen Tyndall Trust Dated 3/9/94	c/o Karen Petersen Tyndall Trustee 1012 Greystoke Acres Street Las Vegas, NV 89145-8659	\$1,115,915.59	\$101,492.96
10725-01183	Karen Petersen Tyndall Trust Dated 3/9/94	c/o Karen Petersen Tyndall Trustee 1012 Greystoke Acres Street Las Vegas, NV 89145-8659	\$1,115,915.59	\$101,492.96